

Office Action Summary

Application No.

10/822,528

Applicant(s)

WANG ET AL.

Examiner

Jafar Parsa

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-52, 55, 59-65 and 67 is/are rejected.
- 7) ☒ Claim(s) 53-54, 56-58 and 66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The amendment filed on 1/21/2005 has been entered. Claims 1-67 are pending.
2. The rejection of claims 1-28, 35-52, 55, 59-65 and 67 under judicially created doctrine of obviousness-type double patenting over claims 1-35 of US patent No. 6,747,066 is maintained for reasons of record recited in the office action mailed on 10/19/2004.
3. The rejection of claims 33 and 34 under 35 U.S.C. 102 (b) as being anticipated by Atroshchenko et al (Chemical Abstract CAPLUS DN: 93:81017) is maintained for reasons of record recited in the office action mailed on 10/19/2004.
4. The rejection of claims 29, 30, 31 and 33 under 35 U.S.C. 103 (a) as being unpatentable over Kleefich in view of Hemminger is maintained for reasons of record recited in the office action mailed on 10/19/2004.
5. Applicants' arguments filed on 1/21/2005 have been fully considered but they are not persuasive.

Applicants state that the amended claim 33 requires the concentration of oxygen in the synthesis gas be less than 1000 ppm. Applicants argue that Atroshchenko does not disclose a concentration of less than about 1000 ppm oxygen in the synthesis gas. The examiner notes that the initial content of the oxygen in the synthesis gas before the purification step was about 0.3%. After the removal of oxygen, the content of oxygen in the synthesis gas must be well below 0.3% oxygen. Therefore, the reference inherently teaches that the oxygen content of the synthesis gas is less than about 1000 ppm.

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With respect to 103 rejection applicants state that there is no motivation to combine Kleefisch with the Hemminger reference. The Kleefisch reference expressly teaches the removal of oxygen from the synthesis gas (see col. 14, lines 49-55), which has a utility as a feed stock to produce alcohols and liquid hydrocarbons. Furthermore, Hemminger teaches a process for producing liquid hydrocarbon products from synthesis gas **free of oxygen**. Both references teach the removal of oxygen from the synthesis gas before the conversion of synthesis gas to liquid hydrocarbons. Thus one ordinary skill in the art would have been motivated to use a synthesis gas free of oxygen prior to converting the synthesis gas to liquid hydrocarbons in order to increase the catalytic activity of the Fischer-Tropsch synthesis catalyst or increasing the volume of the feedstock (synthesis gas) by removing the oxygen to increase the production of liquid hydrocarbons.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

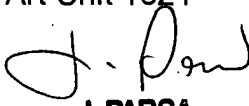
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jafar Parsa whose telephone number is (571)272-0643. The examiner can normally be reached on 8 a.m.-4:30 p.m. (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JP
April 4, 2005

Jafar Parsa
Primary Examiner
Art Unit 1621

J. PARSA
PRIMARY EXAMINER